

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JENNIFER FUNG-SCHWARTZ, DPM and :
JENNIFER FUNG-SCHWARTZ DPM, LLC, :
:
Plaintiffs, : 17-CV-233 (VSB)
:
-against- : **ORDER**
:
CERNER CORPORATION and CERNER :
HEALTHCARE SOLUTIONSN INC., :
:
Defendants. :
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VERNON S. BRODERICK, United States District Judge:

The Court, having reviewed the joint letter filed by the parties on November 09, 2023, hereby orders that:

- The telephonic post-discovery conference will take place on Friday, December 15, 2023 at 12:00 PM. The dial-in number is 888-363-4749 and the conference code is 2682448.
- The deadline to submit any *Daubert* motions is March 22, 2024. Opposition briefs must be filed on or before April 12, 2024, and reply briefs must be filed on or before April 23, 2024.
- The deadline to file any *motions in limine* is April 26, 2024. Opposition briefs must be filed on or before May 3, 2024, and reply briefs must be filed on or before May 10, 2024.
- The Defendants' request to file a motion for summary judgment—more than two-and-a-half-years after the close of discovery—is untimely and procedurally improper. Fed. R. Civ. P. 56(b). The Court's November 19, 2019 Case Management Plan and Scheduling Order required the parties to submit a joint letter two weeks in advance of the post-

discovery conference indicating whether “either party intends to file a dispositive motion,” and ordered the parties to be prepared to discuss a briefing schedule at the conference. (Doc. 71.) Although the post-discovery conference never occurred, absent further guidance from the Court, Defendants were required to file their motion in accordance with Rule 56(b), within thirty-days after the close of discovery. Accordingly, the Court will not entertain summary judgment motion practice at this time.

SO ORDERED.

Dated: November 16, 2023
New York, New York



Vernon S. Broderick
United States District Judge